P.F. 1891/92.

G. R. S. IX-5]

Previous references. 1891-1892.

192.

File No. 12

Later references. (, L. 9.)

Serial Nos.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1 – 8

Mejar ~~Part B~~ for November 1892.

SUBJECT.

Regarding boundary dispute between Ku- -ja Mejar village and Govt. village Tan-

WD 2425—GPL—20,000—14-6-20

Nov. 1892

Precis of the Proceedings and Papers connected with a Boundary Dispute between Kaingatta-ma-=jan in the Kalan Talik (now in the Kalan Talik) and Government Kram-=gatta in the Bowing-=pat Talik.

No 83

On the 29th May 1886 the O. C. Pajan Res. Asst. Comr. Raoma Swamy submitted for confirmation his settle-=ment of the Dispute as shown by red line on the sketch attached to the Proceedings.

No 200

On the 6th June 1886 the settlement was con-=firmed by the Supdt Mysore Raoma Swamy

Petition

2.

In August, 1889 the Kanungotdar, Gowdachar, of Chapur complained to the Superintendent of Survey that at the time of classification and Demarcation of the Boundary Establishment had fixed a boundary stone which had been planted as per Settlement of Boundary Dispute by the Officer. In support of his assertion as to the position of the boundary stone under complaint the Petitioner referred to the Order given him by the Officer Res, No 169 dated 9th June 1886, specifying the marks as shown below along the line of boundary fixed by the latter

(1) Boundary mark fast at

at the distance of 3½ chains
between the two Chainages
shown by both parties to
the South of the Trijunc-
tion (ಮೂರು ಕೂಡು) of Chafer,
Doddapur and Sulikunte
(2) thence the Chainage
at the corner of the stack
of Kaingutta cultivation
(3) thence the corner
of Chafer cultivation
(4) thence the clearing at
the near the Falls. (5)
thence the Chainage
known as Pedajhandi.

The Petitioner's complaint
refers to Nos 2 & above.

No 2933, dated
20th October
1889

The Superintendent of
Survey Division called
for information from the
Deputy Collector on the subj-
ject.

No 1051 of 29th
October 1889

The Deputy Collector
Survey forwarded, in reply,
explanation from the Officials
concerned

concerned to the effect that the stone complained of was found to be superfluous & consequently displaced.

No 135 of 1889.

Thereupon the Petitioner was informed accordingly vide the Deputy Surveyor's letter dated 2nd December 1889.

Second Petition

On the 20th February 1890 Gorindachen preferred his Petition a second time to the Deputy Revenue Survey further criticising the point at issue viz the superfluous nature of the boundary stone distinctly mentioned in the Khyber Road Settlement and Order & the one of the Marks confirmed.

No 213

The Deputy Surveyor formed the Petitioner, in reply, on the 23rd April 1890 that

that no further orders could be given in as much as the Deputy Sheriff Ramsbotham has reported the Boundary marks confirmed and re-corded at the time of original Measurement to have remained unaltered.

Third Petition

On the 19th June 1890, the Petitioner repeated his complaint based on the Report dated 1st 1885, already referred to, attaching the original copy of the said order for inspection and due consideration by the Survey Dept.

C/F 1212

In forwarding the above to the Director of Survey requested to report whether the Boundary Marks as per Settlement do

do not tally with those
shown on the records as
alleged by the Petitioner.

Apply of 3d Judgeship.

Mr. Officer Rao submitted
remarked by the Deputy-
Secretary to report on the
matter.

Ch. 10

Mr. Officer Rao after
studying for all the necessary
Papers reported on the 12th
August 1939, to say that
on examining the Records
and Kacha Khasra
found the same to be
in conformity with the
settlement of the dispute
or rather with the line
of settlement, that the
boundary marks appeared
from the Kacha chit to
have

have been erected in accordance with the settlement, and that he was not aware which stone has been displaced by the Glasser and why.

Then the whole correspondence having been referred to the Officer in charge of Gleaning Establishment, the latter, Lieut. H. J. Travis, in forwarding the Glasser's application on the 9th October 89, stated that the position of the stone displaced by the Glasser is marked X in pencil on the chart & that the stone is stated to have been found upside-down, that is, not coinciding

No 225

= ciding with the marks shewn in the accounts and have been subsequently added by the Claimants to the displeased.

No 187 The Petitioner sent the above together with the bills of previous correspondence to the Superintendent.

No 188 The Superintendent thereupon gave an endorsement to the Petitioner on the 4th December 1891 to the following effect.

That the matter had been fully considered; that

that the measurement and demarcation are in conformity with the settlement of the Dispute, that the stone under complaint was found to be superfluous and has been rightly displaced; & that no further orders can under the circumstances be issued.

Supt. Mysore Res.
Survey

be granted.

Submitted Order no. 168 (last quoted) appears to have been given upon further inquiry

Order no. 135 of 1889 appears to be final by itself. If this order was final, why was further inquiry instituted? The Petitioner could have been referred to this previous order.

? is not clear.

sec. 126 of the Land Rev. Code deals with the determination of village boundaries - no period of limitation for preferring an appeal is fixed in that section. Cf. ~~Cf~~ nor can this ~~case~~ appeal. ? Is sec. 211 foreseen

? Rule 1. Orders of the village boundary finally

& Rule 2 requires the award to be confirmed by the Superintendent of Settlement

a period of 90 days 13
in any other case

of the villages concerned
be alienated.

Sections XXIV &
XXV of Act I of
1865 (now repealed
by the Land Acquisition Code)
prescribed limitation
as follows.

Appeals ag. the decisions
of subordinate survey
officers to the Supdt
of Survey. — 60 days.

2. Do. ag. Do of the
Supdt. of Survey
to the Commissioner
of Survey — 60 days.

If the Sur. Supdt's order
No. 135 of 1889 be
considered final
the appeal is time-
barred.

H
20/2/92.

16. the boundary of the Surai village was up to the 4th stone mentioned in the settlement order and which was fixed at the corner of Karamjulla Patel's inam land, and that the Survey Superintendent informed the petitioners that no such immobilities had been received and that even if such immobilities had been taken it was of no consequence.

The red ink line in the sketch map attached to the record shows the boundary fixed between the two villages, and the position of the stone displaced is marked X in pencil on the map. Sharmaji Bhaumaji the Patel of Surai sets the stone removed. Explains that the boundary line in the field is in accordance with the ~~post~~ maps, that the name of the boundary marks

had been removed but that 17
a stone superfluously fixed
at Survey No 7 had been
held to be removed.

The Officer that settled
the boundary dispute in 1855 has
now stated that the boundary
marks from the Kaleba
map appeared to have been
erected in accordance with
his settlement.

M
4/7/92

(6)

M. No 169 of 1891-92.

Appt
Gurrayachary
~~Collector~~ of
Anepur
Melur Taluq
Madura Dt.

The boundary dispute between Appt's village & the Govt village Karyangulla was settled by the Asst Survey Supdt but Appellee in 1885, & boundary marks fixed.— No appeal was made against the settlement.— In 1889, Appt complained that a classer removed a certain boundary stone, which altered the boundaries, but the Supdt of Revenue Survey, after making

through Mr Narayanrao

Engineer found that the stone removed was not a superfluous stone and did not in any way alter the settlement made in 1885 & accordingly rejected the complaint. The appeal is against the order of the Supt dismissing her complaint.

At the hearing both the Appellant who originally settled the boundary, & Mr Narayanrao who reported to the Supt of Rev survey that the stone removed was a superfluous one, were present, & the original plan of the village prepared by the Appellant corresponds with the plan of the village which the superfluous stone said to have been removed.

There is no reason for disbelieving that the boundary settled in 1885 has in any way been since altered. The appt's advocate

Gpne Rae

(9)

Read letter from the Sec^{y}
of New Siam, dated 13th October 92
No 543.

We Govt do not consider
that the 12 Quintas of land
mentioned by his Agent's
can be included in the Rayangulla
village, the piece
neither forms
part of the Rayangulla village, nor
was the plantation made before the
settlement of the boundary
dispute.

2/11/92

2/11

(1) Stamps Correct.

(2) Appeal in time.

(3). Order produced

(4). Cl:(23) Rule 1 Pleaders Rule

Submitted to the Council. MM 19/2/92

19/2/92.

M

L.R.

Embankment was found in 1889. Is an appeal against the order a final order within the meaning of the Act? Is it not the appeal filed beyond time?

A.S.

20/2/92

Re-submitted with a Memo.

M

20/2/92

(General Serial No. 32.)

189 2.

No. 24 92

Name of Petitioner. Govindacharya (Govindachar)

Village. Amaipur

Taluk. Gubbi (Tumkur)

District. Kolar (Bangalore)

Date of Arzi. 4-1-92

Date of Receipt. 4-1-92

Date of Disposal.

No. of Enclosures. Four

ABSTRACT.

The petition is in regard to a dispute about the boundary between Karur, a Government village and Amaipur a jodi village belonging to the petitioner. The dispute first arose at the time of railway ~~settlement~~ inquiry when the Commissioner examined the records produced by the parties and passed order No. 169 a-6-85 particularising the trees for fixing the boundary stones. Accordingly the stones were fixed.

But, at the time of the demarcation the stone near a Hone indicating the 4th boundary mark was pulled down and fixed at another place by the petitioner to deprive of some trees

t of ground. Hence upon
etitioner submitted his
hlaint to the survey Deptt
ought on order No 135 dated
vember 1939 to the effect
~~that the land had been fixed~~
~~between the former mark~~
~~moved to the former spot~~
~~as it cannot be changed~~.
he submitted an other
lication enclosing therein certain reference;
~~pursuant order after which~~
ses were sent to make local
igation ~~and report of the~~
The ~~Mirasidars~~ got together
all of both the villages
an enquiry and submitted
~~Deputy~~ a report together
Mirasidars of ~~the former~~
~~village~~ Palace and
to the effect that the
village boundary extended
to the said ~~Kallai~~ where the
had formerly been fixed at the time of the measurement.
where the petitioner was
an order No 168 dated
December 9, enjoining to
the boundary done away
with.
The petitioner appealed
inst the order and submits
had the ~~4~~ boundary mark
at the Karamani on
Ras would not have
led to mention it.
nd when he says that the
ond boundary mark was

X the stone fixed accordingly at the time of the measurement had been removed & that no change could be effected.

Y of Karampatta

X stone (which is now taken as the boundary)

Petition 1/1/92

2492R
4-1-92

Assistant Manager of Gl. 92

Authorised stamp vendors.

Rs 47 . 6

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2452
dated 4th January 92 received at the
Dewan's Office from Gurusiddappa
son of Sunkiya Govinda Shetty
of Anagwar, Kolar Taluk,
now residing at Bangalore

is forwarded, together with its four
enclosures, to the Supdt. Revenue
Survey ~~with a request~~
for submission of Proceedings
with a precis thereof, together
with a brief report

Issue the same No. 867 dt 22/3/92

By Order,

Drafted as
per Council's
order
23/2

Chief Secretary

BANGALORE,
23d February 1892.

1/3

Noted

Supply No. 47.

12809
1892 No. 27

To the Superintendent, Gallipore
Red Survey

Sir, I have the honour to forward herewith the Petition and its enclosures received with the above, the Journal Endorsements and other Papers, as per margin, connected with the complaint of Madiga Lyadimadaka of Harpur, Kolar District (now Malur), together with

Petn. dept
M 21/3/92

Mr Council.

Mr
28/3/92

25/3/92
28.

To the Deputy Commissioner, Kolar
Dated 17/3/92
Rec'd 21/3/92
Issued 23/3/92
Returned 31/7/92

Order for Rs on 7/8/92
Mr 6/4/92

Mr 6/4/92 Adjourned to 28th July 92

Mr 9/7/92 Mr 9/7

Mr Myles Read's settlement of Boundary Dispute between Harpur & Kadamgattur.

B Correspondence relating to Endorsement No. 125 of 2nd May 1889 & ors 68 of 8th December 1891 (enclosed by the Petitioner).

ENCLOSURES No. 3 files.
No. 867 of 188 :

(Durwan's Office)
Official Memorandum
Petition dated 1st Instant
received

Mr the Honorable in re-
-turning the Petition and
its enclosures received with
the above, the Journal En-
-dorsings and other Papers,
as per margin, connected
with the complaint of
Madiga Lyadimadaka of
Harpur, Kolar District
(now Malur), together

with

B3
23-3-92

35

with a Plan of the Site of Taylor's marked B.

Respt. Your Obt. Servt.

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

To

The Supdt, Ten: Survey

Dated 9th
Despatched 12 } July/92.
Received

Enclosures No. Nil

General No. 373
Pol. F. No. 18- 92-93

Requesting that Mysore Affairs, Case No. 3 may be directed to be presented at the hearing of the complaint of Sri Gurusyachar, son of Chuta Govindachar of Anejur, Kasaba Talk Know Malur, on the 25th inst.

References to be marked.

In the Cause In 2353 Pol. F. 18-92

Rio 1st July 1852

Lieut submitting Proposals
other papers connected with
the Erection of Quarantine
Establishments at Ilha Grande
& Angra, Polar Talcahuano
(now Mulroy).

Received

Despatch No

(General No

With reference to the
above has the honor to request
that the Secretary Rear Surgeon
will direct Mr Jepson Clerk
Rae and Mr Grayson Clerk
to be present at the hearing
of the case by the Commissioners
on the 28th Inst. The absence
of the Engineer officer previously
ordered to Montevideo
prevents any further proceedings
in the matter. By order

W. Capt

Secretary

W.

Vide this attached Minute

I and also such other
Maps &c: as may be found
necessary to explain
this Case fully

30

(General Serial No. 30.)

189 .

From

The Chief Secretary
to the Dewan of Mysore.

To

The Supdt of Rev: Survey

Dated 17th
Despatched August 1892
Received

Enclosures No.

General No. 2803
P.Z No. 18

Requesting that Mr
Stokes be deputed
to see that the existing
boundary between the Jodi
Arepalya village, Malavalli
and the Jodi village Rayana-
gatta. Reserving that and
to the same as that settled
in 1885.

References to be marked.

From the same No 5423/13/1892-

2 Land Appeal

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 167 of 1891 92.

Appellant. Vs. Respondent.

Gurrappacharry,
Inamdar of Kaipur,
Malur Taluk,
Kolar Dist.

Decision. 4-8-92.

The boundary dispute between Abbakanti village and the Government village Kaipungatta was settled by the Asst. Survey Superintendent, Mr. Shiva Rao, in 1885, and boundary marks were fixed. No appeal was made against the settlement. In 1888, Appellant complained that a cultivator removed a certain boundary stone, which altered his boundaries, but the Supdt. of Revenue Survey, after making enquiry thro' Mr. Narayana Rao, found that the stone removed was a superfluous stone and that it in no way affected the settlement made in 1885, and accordingly rejected the complaint. The

appeal is against the order of the Survey Superintendent dismissing his complaint.

2. At the hearing, both Mr. Appu Rao who originally settled the boundary, and Mr. Narayan Rao who reported to the Superintendent of Revenue Survey that the stone removed was a superfluous one, were present. ~~and~~ From their statements, & the original plan of the village prepared by Mr. Appu Rao, which corresponds with the plan of the village without the superfluous stone said to have been removed, ~~therefore~~ ~~there is no doubt, but that~~ the boundary settled in 1885 ~~is~~ does not appear to have been in any way ~~has been~~ altered. The appellant's advocate is unable to say whether his complaint is to the boundary fixed in 1885, or to its having been altered since. In either case the complaint is untenable, because no appeal was made against the settlement of 1885, and there is no proof whatever that the ~~survey~~ boundary fixed in 1885 has been since altered. But, as neither Mr. Appu Rao, nor Narayan Rao

2 41

appeared to have personally examined the locality and satisfied themselves that the existing boundary is the same as that settled in 1885, the Superintendent of Revenue Survey will be requested to depute Mr. Abhyankar to the spot, and make him see that the existing boundary is the same as settled in 1885.

15187 9-92

1871

By order.

17.VII

Chief Secretary

2843 dated 17-8-92.
P.T. 18.92 22

Copy to the Supdt of Revenue Survey in Abhyankar with the rev. bks, received with his 8679 dated 3-8-92.

By order.

17.VII

Chief Secretary

A No. 169

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
August 1892.

Endorsement granted to Guruvaya Iyer, Jodidar of Arsikere Taluk, Hassan Dt.
in reply to his Petition Registered No. 24, 92 dated 4th January 1892

Petitioner is informed that from the inquiry made at the hearing, there is nothing to show that the boundary settled in 1885 has been since altered, the Superintendent of Rev: Survey has however been requested to depute an Amin to the spot and make him certify that the existing boundary is the same as that settled by him in 1885.

2 The enc: are returned.

15/8/92

"By Order,

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—5-7-92—1000.

Issued with enclosures 22/8

(General Serial No. 80.)

OFFICE OF
3754
13 OCT. 92
Pet 179

1892.

From The Superintendent Coorg.

To

The Chief Secretary to the Dewan of Mysore.

Dated Bangalore 12th Oct. 92

Despatched

Received

Enclosures No. 2

General No. 543
No.

In reply to No. 2903 dt. 14-8-92,
S.F. 18-92 / 22

SUBJECT.

Soliciting orders of Govt. regarding the alteration of the = wife of the Sowdeer of Kur = -four and Karangutta in ac = -cordance with the present = -payment.

Per Br. Rep.
Bangalore 13/10/92.

References (to be entered only in the Dewan's Office).

In the same No. 275 dt. 21-Jul-92,
P.F. 5-92,

Submitted for Council Orders.
22/10/92

13/10/92

C/ No 54344

(1)

Survey Superintendent's Office
Bangalore 13th October 1892

To,

The Chief Secretary to the
Govt of Mysore

Sir,

With reference to the decision of Government in appeal No 19 of 1891-92 communicated to me in your No 2000 dated 29 August last, P.F. 18 12
I have the honor to forward for information the accompanying copy of the
2) office Report & Sketch of the
2.1st Claims and to solicit Orders
of Government regarding the allotment or otherwise of the Encroachment of
Road and Kerangutta in accordance with the present enjoyment.

2) The sketch of land attached

to

to in this copy. Your Grant is attached to the Ninety-Returned with such Orders as may be found on the subject.

I have the honor to be

Sir,

your most obedt. Servant

[redacted]

Surveyor Genl. Ohio

(1) The respondents to the above Reg. state that they personally inspected the land in dispute on the 2nd instant, in presence of the complainants and the Tahsildar some days of the Karamgutta village. I found the demarcation and quite in accordance with my decision of 1885, and the Petitioners' admission of this fact by reference to the boundary marks in the field and the sketch of the land upon which the decision has been given by me.

In a portion of the land (about 12 Guntas in extent) that forms part of the Karamgutta village, in accordance with the decision, the Petitioner has no claim to the ryotwari of the boundary dispute by me, planted some coconut plants. The Petitioner admits that the plants were put down subsequent to the decision but states that previous to that, the land, in which they are planted was, and is his enjoyment and that he had paid duty there for planting it with coconut trees. The villagers of Karamgutta (in-cluding

= during the Cadastral Survey I have now no objection to making over this bit, which has been retained, pertaining to the complainant, and in case the boundary is to be altered in accordance with the present enjoyment as represented by the opposing villagers, orders are solicited to have it done.

The Proceedings of the case are herewith returned, together with a sketch of the land, now in actual enjoyment of the complainant, in excess of what was allowed to him by the decision of 1885.

I have &c.
(Sd) D. Cleveland
Offg Asst Commr Mysore Cadl Survey

Bangalore
21st September 92

"Copy"
H. Hunt
Supdt Mysore Cadl Survey

14

Inam

Petition No. 169 of 1891-92

Appellant - Gurrayachari Joshdar of Anepur, Malwa Taluk.

In 1885 the boundary dispute between the Kayamgutta village of Anepur, Malur Taluk and the Government village of Karamgunta in the Bowringpett Taluk was settled. In 1889 the petitioner complained to the Superintendent of Revenue Survey, that a classer that had come to the Karamgunta village had displaced a boundary stone fixed in 1885. The Superintendent, Revenue Survey, after full enquiry, ordered finally in December 92 that a stone fixed superfluously and unconnected with the boundary line had been rightly removed.

2. The petitioner appeals against the above order. He contends that a stone fixed near the Mulla and described as such in the settlement order given to him in 1885 has been displaced and a Shashanam stone which his land on this side of the boundary line is stated to be the boundary stone and that by taking the Shashanam stone as the correct mark he would lose some of his land with certain trees thereon. The petitioner alleges further, that a classer by name Bikkaji Narhar Paul came to the spot about November/91, held an Enquiry in the presence of both the villagers concerned, obtained a Muchulika from the Patel and the ryots of Karamgutta village that

18

Appeal No 169 of 1891-92

C Appellant

Mattya Gurrayalbar

vs Krishnamurti

advocate.

28-7-92

28/7/92

[illegible]

unable to say whether
the complaint — is the boundary
fixed in 1885, or has it been
been altered since. — In either
case, the complaint is untenable,
because no appeal was made
against the settlement of 1885, & there
is no proof whatever that the boundary
fixed in 1885 has been since
altered. — But as neither Mr
Appuso, nor Narayanrow appears
to have personally examined
the locality & satisfied themselves
that the existing boundary is the
same as that settled in 1885,
the Supdt of Revenue Survey
will be requested to depute
Mr Appuso to the spot, & make
him see that the existing
boundary is the same as

settled in 1885

2/17/92

end—

From the survey made at the hearing, there is nothing to show that the boundary settled in 1885 has been surveyed. The report of the survey has however been requested to determine this point. Applicant in the statement made here that the existing boundary is the same as that settled by them in 1885.

was at another "Rasamam" he clearly mentioned it in his order; he did not mention the axis of the Rasamam now in question simply because he knew clearly that the 4th boundry mark was to be fixed much beyond it.

Besides, he urges that the Muchalika of the Patai and will corobarate the fact that the 4th boundry mark is at the Halla at a corner of Government Pataili Mama land and not at the "Rasama stone".

The Survey Supdt has unjustly refused the petitioner to give a copy of this corobo-rative testimoney (as per order No 2390 dated 7th December 91.

Lastly the fixing of 4th boundry stone at "Rasamam" will cause the petitioner a great loss by depriving him of his right over several valuable trees and a portion of his land.

For the above reasons he prays that the 4th boundry may be fixed at the

Spot particulars vised in
Govt Apoo Rao's order No. "
~~No~~ original ~~to~~ produced
at the hearing ~~of the~~ ~~case~~
~~granted~~.

Survey Supdts order
No 168 dated 5th December 91

The facts of the ~~case~~ have
been thoroughly investigated.
Measurements have been
made and boundries fixed
according to ~~Plan~~. As it
is mentioned that the stone
~~which is~~ removed was ~~fixed~~ not connected
with ~~beyond~~ the ~~proper mark~~ boundary it was
~~the stone is~~ removed and the
mistake concealed. Therefore
your request cannot be
granted.

Copd
K.K.

½ (Physical) & Hen
of the boundary

Bubba Rao

48 Ltr. Re Grant for Appa.

(General Serial No. 30.)

189

From

The Chief Secretary
to the Dewan of Mysore.

9

To

The Supdt. of Rev. Surv
in Mysore.

Dated 26th November 92

Despatched 29

Received

Enclosures No.

General No. 7278
Pet. F. No. 18-92

L.R. 125. 91. 89

Observing that the 72 guntas of land mentioned by Rao Appa Rao, cannot be included in the Kayam gutta Anepur village, Kolar Taluk.

References to be marked.

Read -

Letter from the Supdt of Rev. Survey & Settlements 8/13 October 92, No 543. Re surveying the alteration or Marking off the boundaries of Anépur & Karimgutta villages in the Kolar District. Order thereon.

The Govt do not consider that the 2 Juntas of land, mentioned by Mr Appu Rao, can be included in the Kayamgutta village of Anépur. The piece neither forms part of the Kayamgutta village, nor was the plantation made before the settlement of the boundary dispute.

Submitted for appl
Action made in Offce.
- 31

Re-draft. MRK 28/11/92

For Chief Secy.

To

The Supdt of Rev. Survey returning the Sketch map.

25/11/92

28/11

28/11/92